

Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEFS, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS
CONSTRUCTION STORM WATER COORDINATORS

Date: August 26, 2005

File: Division of Construction
CPD 05-8

From: ROBERT PIEPLOW
Chief
Division of Construction



Subject: Availability of Storm Water Pollution Prevention Documents to State Agencies and Public

On June 7, 2005, the State Water Resources Control Board issued a policy that directs the Regional Water Quality Control Boards (RWQCBs) to respond promptly to requests by environmental groups and the public for access to Storm Water Pollution Prevention Plans (SWPPPs).

RWQCBs may not always be in possession of all SWPPPs but they have the authority to require the submittal of a SWPPP at any time, including up to 30 days prior to commencement of significant soil disturbance activities. As a result, resident engineers may soon receive requests from the RWQCBs staff for the submittal of SWPPPs for their respective construction projects. In addition, members of the public or environmental groups may directly contact the resident engineer to request copies of the SWPPPs or Water Pollution Control Programs (WPCPs) for an ongoing construction project. SWPPPs and WPCPs are public records that are not legally exempt from public disclosure. The public has the right to inspect or obtain a copy of these documents.

The resident engineer must send a copy of the requested SWPPP or WPCP document within ten calendar days from receipt of the request. The construction storm water coordinator shall review the document for accuracy and completeness before release. If deficiencies are detected during the review, amendments shall be facilitated by the resident engineer and a revised copy of the document provided to the requestor.

If a copy of the requested document cannot be provided within ten calendar days of the initial request, the requestor shall be notified that the document will be provided within an extended period of up to 14 additional calendar days; a total of 24 calendar days of the initial request. This written notification of extended delivery shall be provided within ten calendar days of initial receipt of a written request.

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The resident engineer forwards all requests for SWPPPs or WPCPs on completed construction projects promptly to the district National Pollution Discharge Elimination System coordinator who will reply directly to the requestor.

The Department of Transportation, in accordance with Government Code Section 6250-6276.48 has established a program to disseminate information needed by the public and to provide access to departmental records. Any request that references California Public Records Act (CPRA) - specifically states that the request is pursuant to the CPRA - has to be forwarded to the appropriate public records coordinator who will forward the requested documents directly to the requestor.